

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; and Eve Sproule, Court Administrator/Clerk, by Elaine J. Duffy, Supervising Deputy Clerk.

F033824	Lasoya v. Klein
F035548	In re Andrew B., a Minor
F035800	In re James R., a Minor
F035919	People v. Sanders
F035937	In re Daniel W., a Minor
F036327	People v. Jaramillo

Contempt Hearing on Orders to Show Cause as to Helyn A. Johnson, Official Reporter of the Superior Court, County of Fresno called with the subject of said Contempt Hearing on the Orders to Show Cause present with counsel Franz Criego. Also, present was Michael Weinberg, Associate Executive Officer of the Superior Court, County of Fresno. Theresa Hansen, Official Reporter present and reporting the proceedings. Matter presented. Helyn A. Johnson, Official Reporter, acknowledges receiving and reviewing Orders to Show Cause in the above-entitled matters. Helyn A. Johnson, Official Reporter, having admitted to the allegations contained in said Orders to Show Cause, court finds her actions constitute willful disobedience of the orders of this court, and unlawful interference with the process and proceedings of this court.

Court finds Helyn A. Johnson, Official Reporter, in direct contempt in each of the above entitled matters. The judgment of this court is that Helyn A. Johnson, Official Reporter, be committed to the custody of the Fresno County Sheriff for a period of 5 days and fined \$1,000 for each of the six direct contempts. Because each case is a separate action constituting separate contempts and separate acts of willful disobedience, the sentences are to be served consecutively and the fines to be a collective fine. Execution of said judgment is stayed until March 6, 2001, at 10:00 a.m. at which time Helyn A. Johnson is ordered to appear before this court.

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It is further ordered that Helyn A. Johnson report to the Executive Officer of the Fresno County Superior Court and determine the status of all outstanding transcripts for which she is responsible. The Court of Appeal is to be provided with a list of those cases. The Court of Appeal is aware that there are outstanding transcripts in *People v. Dotson* F036683, *People v. Parks* F036855, and *People v. Haaland* F036474. Helyn A. Johnson is directed to release all notes and computer disks to the Presiding Judge of the Fresno County Superior Court or person he designates. Notes are not to leave the Fresno County Courthouse without authorization of that court. She is to report to the Presiding Judge or person he designates on each business day to complete the reporter's transcripts in each case that is currently outstanding or in which there is a notice of appeal filed, and to continue to do so until said transcripts are properly prepared and completed. A progress report is to be provided at the end of thirty days.

Court declares Helyn A. Johnson not competent to act as an official reporter in any court in the State of California until such time as she shall have fully completed and filed all transcriptions in each of the cases she will have pending in which notices of appeal have been filed.

If Helyn A. Johnson, Official Reporter, on or before March 6, 2001, has complied with the orders of this court, the orders imposing punishment on her shall be vacated except that portion imposing fines or monetary sanctions shall be reduced to the total amount of attorney fees paid by this court to appointed counsel and court reporter fees paid by this court, including the reporting of this proceeding, that resulted from the commission of the contempts that have been adjudicated in this case. At that time, and assuming Helyn A. Johnson has complied with all of those orders, the court will suspend the custodial time, balance of the fines, and the court will consider her explanations in determining whether the court should take further actions mitigating the conduct.

Michael Weinberg, Associate Executive Officer of the Fresno County Superior Court, states Helyn A. Johnson has provided the superior court with the reporter's notes and computer disks and they are in the court's possession. Also, Michael Weinberg requests clarification as to whether Helyn A. Johnson has to report physically to the courthouse each day to work on these transcripts or can arrangements be made with Ms. Johnson to provide daily or weekly reports. Michael Weinberg stated the superior court will work with counsel Franz Criego to make appropriate arrangements for monitoring her preparation of the transcripts. The court agreed.

Upon closing, the court stated verification from the superior court would be necessary to demonstrate the March 6, 2001, deadline is unreasonable in the event more time is requested.

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Court adjourned.

- F035681** **People v. Palomo**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F036662** **People v. Maduena**
No brief having been filed by appellant after notice duly given under rule 17(c) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.
- F034748** **In re Alisha M. et al., Minors**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F034443 People v. Wilhelm

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F033873 People v. Lowe

It appearing from the record before us that the physical evidence forming the sole basis for appellant's conviction by plea should have been suppressed, the judgment is reversed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F033332 People v. Newsome

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F031393 Grubb & Ellis Company v. Pirie et al.

Appellants' petition for rehearing filed herein is denied.

F036046 In re Luke H., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F034783 People v. Safir

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F032833 Peters et al. v. Costello et al.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F033745 In re Deante J., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.